

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN ODELL LANGFORD,

Plaintiff,

v.

JAMES DZURENDA et al.,

Defendants.

Case No. 3:20-cv-00159-RFB-CLB

THREE STRIKES ORDER

**I. DISCUSSION**

Plaintiff is a prisoner proceeding *pro se*. On March 10, 2020, Plaintiff submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). On March 19, 2020, Plaintiff submitted a fully complete application to proceed *in forma pauperis*. (ECF No. 4). However, on at least three (3) prior occasions, the Court has dismissed civil actions commenced by Plaintiff while in detention as frivolous or for failure to state a claim upon which any relief may be granted.<sup>1</sup>

Pursuant to 28 U.S.C. § 1915(g), “if [a] prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted,” he may not proceed *in forma pauperis* and, instead, must pay the full \$400.00 filing fee in advance unless he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

In his complaint, Plaintiff appears to allege his dissatisfaction with his legal mail, grievances, and law library access in December 2018 and February 2019. (*See generally* ECF No. 1-1). The Court finds that these allegations fail to plausibly allege that Plaintiff is in imminent danger of serious physical injury. *See Andrews v. Cervantes*, 493 F.3d 1047,

<sup>1</sup> *See Langford v. Grierson*, 3:19-cv-00193-MMD-CLB at ECF Nos. 8, 13 (dismissed on September 27, 2019, for failure to state a claim and appeal dismissed as frivolous on December 12, 2019); *Langford v. Cobb*, 3:19-cv-00326-MMD-CLB at ECF Nos. 6, 11 (dismissed on September 27, 2019 for failure to state a claim and appeal dismissed as frivolous on December 12, 2019). The Court takes judicial notice of its prior records in the above matters.

1 1055-56 (9th Cir. 2007) (holding that the exception to § 1915(g) applies if the complaint  
2 makes a plausible allegation that the prisoner faced an ongoing danger of serious  
3 physical injury at the time of filing). As such, Plaintiff must pre-pay the \$400.00 filing fee  
4 in full.<sup>2</sup>

5 **II. CONCLUSION**

6 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*  
7 *forma pauperis* (ECF No. 4) is denied.

8 It is further ordered that this action will be dismissed without prejudice unless  
9 Plaintiff pays the \$400.00 filing fee in full within thirty (30) days of entry of this order.

10 It is further ordered that the Clerk of the Court shall send Plaintiff two copies of this  
11 order. Plaintiff shall make the necessary arrangements to have one copy of this order  
12 attached to the check paying the filing fee.

13 It is further ordered that the Clerk of the Court shall retain the complaint (ECF No.  
14 1-1) but will not file it at this time.

15 DATED THIS 11<sup>th</sup> day of January, 2021.

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19 RICHARD F. BOULWARE, II  
20 UNITED STATES DISTRICT JUDGE  
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<sup>2</sup> The filing fee for cases initiated prior to December 1, 2020 is \$400.